**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Minorities Welfare Department – Andhra Pradesh State Waqf Board – Smt. Shaheda Begum, appointed as Member of Andhra Pradesh State Waqf Board under Section 14(1)(d) of Waqf Act, 1995 against provisions - Show Cause Notice issued – Removal **–** Orders - Issued.

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v. Copy of Adhar Card.
vi. Certificate issued by Imam of Juma Masjid (Shia), Machilipatnam Town, Krishna District.
vii. Marriage Certificate.
viii. Certificates issued by Prasar Bharati for her talk on Radio.
ix. Copy of SSC.

4. On careful examination of the documents furnished, it is considered that all the above copies of the Certificates doesn't satisfy the qualification required in Section 14(1)(d) of the Waqf Act, 1995. As seen from her bio-date and credentials submitted, she posses a Urdu language pass certificate and that she gave some radio talk in All India Radio. However, as per the said Act, the candidate must be a Scholar in Theology whose literal meaning specifies as "is a study or system of religion in which one must be an intellectual". A scholar is one who must have a Degree or Diploma in Theology from recognized University or Religious Institute. Therefore, it is considered that Smt. Shaheda Begum, Member of the Waqf Board does not possess the requisite qualification as envisaged under the Waqf Act, 1995 and it seems to be a clear case of suppression and misrepresentation of facts about her eligibility to secure the appointment.

5. The setting aside of the supersession of Andhra Pradesh State Waqf Board (including W.P. 9469/2019) filed by Smt.Shaheda Begum is not a bar from issuing fresh Show Cause Notice to the Board Member. It was held that the principles of natural justice are not complied with in granting time to file explanation. The said judgement is misread. The contention of the individual in her reply that the Government is estopped from calling for her credentials is misconceived given the fact that the doctrine of Estoppel cannot be applied against a statute in its sovereign and public function as was held by Hon'ble Apex Court in AIR 1973 SC 2641.

6. In the reference 6$^{th}$ read above, a Show Cause Notice was issued to Smt. Shaheda Begum as to why her appointment as member of Andhra Pradesh State Waqf Board shall not be withdrawn with immediate effect, as she has not satisfied the requirement u/s.14(1)(d) of the Waqf Act, 1995. In reference 7$^{th}$ read above, Smt. Shaheda Begum, Member, Andhra Pradesh State Waqf Board while submitting her explanation has requested the Government to drop further action against her.

7. On examination of the said explanation, it is noticed that Smt. Shaheda Begum has applied for the post based on insufficient and below par qualification as can be evidence from her bio-data and credentials contrary to the statute and hence she is totally ineligible to be nominates for the post of member. The State Government is empowered under the Act to take necessary action against the person who are guilty and fraud or misrepresentation. It was settled law that administration action based on sound criterions cannot be questioned before the Court of law (AIR 1978 SC 279) and AIR 2000 SC 2272.
The explanation is devoid of merit and her continuance as member is legally invalid and against the status as explained supra. Hence, the explanation is held to be not satisfactory.

8. Government have examined the matter keeping in view of the provisions of the Waqf Act, 1995 and hereby decided to remove Smt. Shaheda Begum as member of Andhra Pradesh State Waqf Board, Vijayawada under section 20 (1) of Waqf Act, 1995 with immediate effect.

(**Contd…03)**

9. Accordingly, the following notification shall be published in the Extra-Ordinary issue of Andhra Pradesh Gazette.

**NOTIFICATION**

In exercise of the powers conferred under Section 20(1) of Waqf Act, 1995, Government hereby removed Smt. Shaheda Begum, as Member of Andhra Pradesh State Waqf Board, Vijayawada with immediate effect.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**MOHD ILIYAS RIZVI**
**PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Commissioner of Printing, Stationery and Stores Purchase Department,
Mutyalampadu, Vijayawada, Krishna District
(with a request to supply 25 copies of Gazettee to Government)
The Chief Executive Officer, Andhra Pradesh State Waqf Board, Vijayawada
Smt. Shaheda Begum, Member, Andhra Pradesh State Waqf Board, Vijayawada,
(through the Chief Executive Officer, A.P. State Waqf Board,
Vijayawada)
Copy to:
The Secretary to Governor, Raj Bhavan, Vijayawada,
The Secretary, AP State Legislature, Legislature Secretariat, Velagapudi,
The Law Department,
The Advocate General, AP High Court, Nelapadu, Guntur,
All the Departments of the Secretariat,
All the District Collectors,
The Accountant General, Vijayawada,
The Pay & Accounts Officer, AP, Ibrahimpatnam, Vijayawada
The Registrar, AP High Court, Nelapadu, Guntur district,
The Commissioner, I&PR, AP, Vijayawada (with a request to publish in all popular daily News Papers),
The Special Commissioner, Minorities Welfare, AP. Tadepalli, Guntur,
The Secretary to Government of India, Ministry of Minorities Affairs, New Delhi.
The Secretary to Chief Minister, Andhra Pradesh,
PS to the Deputy Chief Minister (M.W), A.P Secretariat, Velagapudi.
PS to Principal Secretary to Government, Minorities Welfare Department,
A.P.Secretariat, Velagapudi.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER